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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,167	02/09/2001	Ming Wei		2597

7590 10/07/2004

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EXAMINER
SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
2611	2

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/780,167	WEI ET AL.	
	Examiner	Art Unit	
	Wesley L Stiles	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 302 of Figure 3. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informality. The phrase "in a 30 second or less footage" on page 3, line 25 should apparently be "advertisements lasting 30 seconds or less."

Appropriate correction is required.

Claim Objections

3. Claims 1 and 9 are objected to because of the following informalities: In claim 1, "programbeing" should apparently be "program being". Regarding claim 9, "delivery" should apparently be "deliver". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 USC 103(a) as being unpatentable over Brown (US 5,805,141) in view of Barton (US 6,233,389). Regarding claim 1, Brown teaches a two-channel system with an advertisement program on the first channel and associated information for the advertisement program on the second channel. (See column 4, lines 53-67 as well as column 5, lines 19-38) In addition, Brown teaches the use of a linking code to connect the advertisement program of the first channel with the associated information of the second channel. This is inherent in that user input applied to a hyperlink during an ad as shown in figures 5-7 links the user to the information on the second channel. Furthermore, Brown discloses the use of a television as a receiver (column 7, lines 13-15). Brown meets all limitations claims 1-6 except for the use of a user-end buffer to store incoming information.

6. In analogous art, Barton teaches a system in which broadcast video feeds are stored in a buffer at the user-end (See column 3, lines 60-66), and can be accessed at any time by the user. The buffer of the system disclosed by Barton is updated continuously, as it can be used at any time to record the broadcast video signal. (See column 3, line 66 through column 4, line 2) In addition, the contents of the buffer as shown by Barton are user-controlled. (See column 9 lines 23-45) An incoming video signal can be recorded and replayed at any time by the user. Thus it is given that the data on the buffer can be saved, deleted, and retrieved at any time by the user. Providing a buffer provides a user with the added advantage of having "VCR type functions" like pause.

7. At the time of the invention, it would have been obvious to a person of ordinary skill in the art use the buffer of Barton to store the associated information of the advertisement program broadcast on a second channel as shown by Brown. The motivation for doing this would have been to allow individuals to access the information separately from other users, to have instantaneous access to the information and to provide the user with additional interactive features like pause. Therefore, it would have been obvious to combine the buffered receiver of Barton with the two-channel advertising system of Brown to achieve a two-channel advertising system with a buffer which is user-controlled and updated continuously to provide a user with instantaneous access and additional interactive control.

8. Regarding claim 2, Brown discloses the claimed limitations as discussed in claim 1. (See Brown column 4, lines 53-67 and column 5, lines 19-38)

9. Regarding claim 3, the combination of Brown and Barton disclose the claimed limitation, wherein Brown discloses the claimed TV set (see column 7, lines 13-15) and Barton discloses the claimed buffer (see column3, lines 60-66).

10. Regarding claim 4, the combination of Brown and Barton disclose the claimed limitation, wherein Barton discloses the contents of the buffer are continuously updated (see column 3, lines 66 - column 4, line 2).

11. Regarding claim 5, the combination of Brown and Barton teach the claimed limitation, wherein Barton discloses managing the contents in the buffer so a selected content is saved, deleted, or retrieved by the user.

12. Referring to claim 6, the combination of Brown and Barton teaches the use of linking code used to select alternate video output, which is used to differentiate between the advertisement program and associated information available on the second channel stored in a buffer. The combination fails to disclose wherein the linking code is the associated information address. Barton further teaches including an offset address to indicate an event location in the buffer (see column 5, lines 20-32). Further modifying Brown to include a linking code as the information address would have enabled identification and quick retrieval of the associated information from the buffer. Therefore, it would have been obvious to one of ordinary skill in the art to include a linking code as the information address to enable the identification and quick retrieval resulting in an immediate display of the associated information.

13. Claims 7-10 are rejected under 35 USC 103(a) as being unpatentable over Carles (US 5,661,516) in view of Brown. Regarding claim 7, Carles discloses an advertisement broadcast system with a plurality of channels and users, a program content manager which customizes an advertisement program (met by Server 10 - column 3, lines 16-26), a program management system (met by CMMS 11 - column 3, lines 29-35) which schedules delivery of the program contents to the broadcasting channels (See claim 4), and program delivery hardware which is implicitly present in the disclosure due to the

fact that such hardware is necessary to communicate between a broadcast distribution center and subscribers. (See column 2, lines 37-38) Carles does not disclose a linking code or a two-channel system.

14. In analogous art, Brown discloses the use of a linking code as well as the use of a two-channel system. (See paragraph 5 above)

15. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to insert the two-channel system and the associated use of a linking code into the program software and hardware of Carles to create a program content manager and management system which would customize an advertisement schedule, apply linking codes, and prepare the system for a simultaneous two-channel delivery (the second of which would be used to supply the subscriber with associated information). Therefore, it would have been obvious to combine Brown with Carles for the benefit of mass advertising and to provide additional advertising information to a user.

16. Regarding claim 8, Carles discloses a TV cable network (see column 1, lines 35-37 and column 2, lines 61-67).

17. Regarding claim 9, the combination of Carles and Brown discloses the claimed limitation, where Brown discloses a channel is used to deliver associated information of the advertisement programs in either one or more channels. (See column 4, lines 53-67 and column 5 lines 19-38)

18. Regarding claim 10, the combination of Carles and Brown teaches an advertisement broadcast system and a linking code. The combination fails to disclose wherein the linking code is the associated information address. Further modifying Brown to include a linking code as the information address would have enabled identification and quick retrieval of the associated information from the buffer. Therefore, it would have been obvious to one of ordinary skill in the art to include a linking code as the information address to enable the identification and quick retrieval resulting in an immediate display of the associated information for the user.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lund U.S. Patent 6,512,551 discloses a display system wherein a buffer can be used to store associated sponsor information.

b. Helmy et al. U.S. Patent 5,937,329 discloses a buffer used to store incoming messages

c. Kitsukawa et al. U.S. Patent Application 9,852,813 discloses on-demand advertising

d. Klosterman et al. U.S. Patent Application 9,940,107 discloses a two-channel advertising system

e. Carey et al. U.S. Patent 5,539,451 discloses an advertising "hot button" for additional information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Stiles whose telephone number is (703) 308-6107. The examiner can normally be reached between 7:00-4:30 (out of the office on alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLS

VIVEK SRIVASTAVA
PRIMARY EXAMINER